

Paul A. Kampmeier (WSBA #31560)
Emma Bruden, (Oregon State Bar # 163525)

The Honorable John C. Coughenour

Admitted pro hac vice
Kampmeier & Knutsen PLLC
615 Second Avenue, Suite 360
Seattle, Washington 98104
Tel: (206) 223-4088 x 4
paul@kampmeierknutsen.com

Allison LaPlante (Oregon State Bar #023614)

Admitted pro hac vice
Earthrise Law Center
Lewis & Clark Law School
10015 S.W. Terwilliger Blvd.
Portland, OR 97219
Tel: (503) 768-6894
laplante@lclark.edu

Attorneys for Plaintiff Northwest Environmental Advocates

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES, an Oregon non-profit
corporation,

Plaintiff,

v.

THE U.S. DEPARTMENT OF COMMERCE, *et al.*,

Defendants,

and

THE STATE OF WASHINGTON,

Defendant-Intervenor.

Case No. 2:16-cv-01866-JCC

JOINT MOTION FOR BRIEFING
SCHEDULE AND [**PROPOSED**]
ORDER

NOTED: March 14, 2018

Pursuant to Local Rules 7(d)(1) and 10(g), Plaintiff Northwest Environmental Advocates (“NWEA”); Defendants the United States Department of Commerce (“Commerce”), the National Oceanic and Atmospheric Administration (“NOAA”), and the U.S. Environmental Protection Agency (“EPA”) (collectively “Federal Defendants”); and Defendant-Intervenor State of Washington hereby stipulate to and request entry of the following order establishing a briefing schedule for NWEA’s motion for partial summary judgment, and any cross-motions for partial summary judgment, on claims two and three in NWEA’s Second Amended and Supplemental Complaint (“SASC”), Dkt. #74 at ¶¶ 83–92. The parties agree to this schedule to accommodate NWEA’s desire to complete summary judgment briefing on claims two and three before NOAA’s 2018 Coastal Zone Management Act grant to Washington and EPA’s 2018 Clean Water Act grant to Washington, which could be made as early as July 1, 2018.

The parties hereby stipulate and agree as follows:

1. On or before March 16, 2018, Defendants shall file additional administrative record materials related to NWEA’s SASC.

2. On or before March 30, 2018, NWEA shall file a motion for partial summary judgment on claims two and three, which shall not exceed twenty-four pages in accordance with Local Rule 7(e)(3).

3. On or before May 4, 2018, Defendants and Defendant-Intervenor shall each file a response/cross-motion for partial summary judgment, on claims two and three, which shall not exceed twenty-four pages in accordance with Local Rule 7(e)(3).

4. On or before May 18, 2018, NWEA shall file a combined reply brief in support of its motion for partial summary judgment and response to any cross-motion for partial summary judgment on claims two and three. If Defendants and Defendant-Intervenor each file a response/cross-motion for partial summary judgment, NWEA may file a combined response/reply brief up to twenty-four pages.

5. On or before June 1, 2018, Defendants and Defendant-Intervenor shall file any reply briefs in support of any cross-motions for partial summary judgment on claims two and three, which shall not exceed twelve pages in accordance with Local Rule 7(e)(3).

6. The parties may move separately for partial summary judgment on claims four, five, and six in the SASC.

So stipulated this 14th day of March 2018.

By: s/Paul Kampmeier
Paul A. Kampmeier (WSBA #31560)
Kampmeier & Knutsen PLLC
615 Second Avenue, Suite 360
Seattle, Washington 98104
Tel: (206) 223-4088 x 4
paul@kampmeierknutsen.com

Attorneys for Plaintiff

ROBERT W. FERGUSON
Attorney General

By: s/Ronald Lavigne
RONALD L. LAVIGNE, WSBA
#18550
Senior Counsel
State of Washington
P.O. Box 40117
Olympia, WA 98504-0117
(360) 586-6751
RonaldL@atg.wa.gov

Attorneys for Defendant-Intervenor

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

By: s/Mele Coleman
MELE COLEMAN, Trial Attorney
Wildlife & Marine Resources Section
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
(202) 305-0229 (phone)
Mele.Coleman@usdoj.gov

ANNETTE L. HAYES
United States Attorney

BRIAN KIPNIS
Assistant United States Attorney
for the Western District of Washington
5220 United States Courthouse
700 Stewart Street, Suite 5220
Seattle, WA 98101
206-553-7970
brian.kipnis@usdoj.gov

Attorneys for Defendants

IT IS SO ORDERED.

DATED this _____ day of March, 2018.

The Honorable John C. Coughenour
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018, I electronically filed the foregoing JOINT MOTION FOR BRIEFING SCHEDULE AND [PROPOSED] ORDER with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

s/Paul Kampmeier

Paul A. Kampmeier